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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002926

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SUBJECT: COUNCIL OF REPRESENTATIVES RETURNS THIS WEEK TO UNFINISHED PROVINCIAL ELECTIONS LAW

REF: BAGHDAD 2464

Classified By: Political Minister-Counselor Robert Ford for Reasons 1.4 (b/d).

Summary

¶1. (C) The Iraqi Parliament started its fall session on September 9 with an agenda that its deputy speaker called quote really hot unquote. The Council of Representatives will meet every day but Fridays for the rest of September in order to make progress on a list of urgent legislation that includes a new provincial election law. The always optimistic Attiya acknowledged that little work had been done on the law over the one-month break, but thought it possible to pass a new election law. Failing this, the 2005 law could be modified to include an open list, but this would take three readings and at least ten days, even with the agreement of the blocs. On September 9, poloffs found that the new election law dominated conversations with Iraqi parliamentarians, but we didn't find many hints of flexibility over the especially controversial issue of Kirkuk province elections, the issue that snarled passage of the law at the end of July. Separately, a UNAMI official opined that getting the parliament to pass a new election law using UNAMI bridge language on the disputed Kirkuk election procedures appeared to be very difficult. End Summary.

CoR to work on elections law throughout September

¶2. (SBU) On September 6, Pol MinCouns met with Sheikh Khalid Attiya, First Deputy Speaker of the Council of Representatives (CoR). Attiya, recently returned from visiting his family in London, predicted a hot, "50 degrees Celsius" legislative semester, which begins on Tuesday, September 9. Referring to the provincial elections law, Attiya said that the CoR would meet every day except on Fridays throughout September (normally, it meets for a week, then recesses for a week). Attiya acknowledged that little work had been done on the law over the August break. UNAMI had convened some meetings in Amman, but the committee created by Speaker Mashadani on the last day of the previous legislative semester (reftel) had yet to meet.

¶3. (C) Nonetheless, Attiya professed himself always optimistic and predicted the law could be passed in September. If not, he said, it would be possible to modify the 2005 election law to allow for an open electoral list, and Pol MinCouns urged Attiya to work in that direction. Amending the 2005 law, however, would require the three readings necessary for any law, and in any case was a second-best solution, Attiya opined. He thus advised pressing for the new law.

¶4. (C) Poloff soundings of parliamentarians on September 9 showed that the election law was weighing on them but there were no hints of a breakthrough on the dispute about Kirkuk election procedures. Saleh Mutlak, one of the Sunni Arab

deputies whose hardline helped scuttle an election law deal in August, told poloff that his position hadn't changed and that Iraqi unity and keeping the Kurds from annexing Kirkuk was more important than holding provincial elections. Shia Islamist party Fadhila's top two deputies told poloff that while they were not enthused about allying with Sunni Arab hardliners Fadhila nonetheless agreed with them on the issue of insisting on firm preconditions regarding an eventual Kirkuk provincial election. These Shia and Sunni Arab hardliners were meeting the evening of September 9 to plan their strategy. Mehdi Hafez of the secular Iraqiya bloc told poloff on September 8 that the confrontation in Khanaqin between Prime Minister Maliki and the Kurds had inflamed anti-Kurd sentiment and would make compromising on the Kirkuk election provisions in a new election law even more difficult.

UNAMI pessimistic on its short text

¶5. (C) UNAMI senior political advisor Peter Bartu told us September 6 that SRSG di Mistura will return to Baghdad on September 11. He will then meet with PM Maliki, the two vice-presidents and Speaker Mashadani. Bartu was pessimistic that the short, UNAMI-proposed text for Article 24 (concerning the eventual elections in Kirkuk) of the provincial elections law will be accepted by all parties. "Arab sheiks" in Kirkuk had proposed a longer text, he said. UNAMI political officer Mohamed al-Najar told poloff on September 9 that many deputies were asking him for copies of the UNAMI text for Article 24, as they claimed to have lost their copies from August.

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Comment

¶6. (C) The path ahead to provincial elections is fraught with challenges. It will be hard to garner the consensus necessary to pass a new election law because of the Kirkuk problem. Several Shia Islamist parliamentarians told us in early September that the clerical establishment in Najaf is urging an open list system for the provincial elections. If true, the clerics weight will count as the Shia calculate their way forward on either a new election law or modifying the 2005 election law. That said, in addition to being time-consuming, the legislative process of amending the 2005 election law to use in 2008 elections would allow blocs to introduce other amendments similar to those that doomed earlier versions of the new law.

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